

**REMARKS**

The Office Action of May 9, 2006, has been carefully reviewed, and in view of the above amendments and the following remarks, reconsideration and allowance of the pending claims are respectfully requested.

In the above Office Action, Claims 1-3, 5-8 and 12-15 were rejected under 35 U.S.C. § 102(b) as being anticipated by Komatsu (JP 11-318985), Claims 1-6, 12 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fisher (US 5,290,270), and Claims 9-11 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over either Fisher or Komatsu. For at least the following reasons, Applicants respectfully traverse these rejections.

As set forth above and previously argued, the fastening system of the claimed invention includes "at least one fixing tongue extending ... only from the front end portion." The Examiner's interpretation of Komatsu in response to Applicants' arguments, i.e., that the "fixing tongues of Komatsu extend only from one end of the pad (e.g., as opposed to one tongue extending from other a front end portion and a side portion.)" is contrary to the teaching of the Komatsu reference. As clearly stated therein the "absorbing body 1 is formed into a length such that end flaps 7, 8 on **both** end parts are protruded ..." (emphasis added). This is shown in Figures 2 and 3 of the Japanese document wherein flap 7 extends from the front end part and flap 8 extends from the rear end part. Thus, in view of flap 8 extending from the rear end part, Komatsu does not disclose at least one fixing tongue extending only from the front end portion and the absorbent body is **not** fastened to the pair of underpants only by virtue of said fastening system extending from the front end portion, as recited in claim 1. Applicants respectfully submit that claim 1 is not

anticipated by Komatsu. Moreover, claim 1 is not rendered obvious in light of Komatsu. Komatsu is intended mainly for women and its objective is to prevent relative movement of the pad. If the rear fastener were removed, the Komatsu pad 1 would no longer be effective because pad 1 requires front and rear fasteners in order to not move relative to the genitals. Accordingly, Applicants respectfully contend the pending claims are not disclosed or suggested by the cited reference to Komatsu.

Claims 1-6, 9-12, 14 and 18 stand rejected under 35 U.S.C. § 103(a) as being obvious over Fisher, which discloses a man's undergarment with a disposable liner 34. Referring to Figures 1-3 of Fisher, the undergarment 10 includes a disposable liner 34 secured to garment 10 by fasteners 31/37 and 49 extending from the front end portion 48 and to garment 10 by fastening strips 52 on the bottom surface 50 of the liner disposed rearward thereof. Thus, Fisher's device secures the pad 34 with fasteners 31/37 extending through opening 49 at its front end and with adhesive at the front and crotch sections (see claim 12). Additionally, Fisher is the type of garment that is discussed in paragraph 14 of Applicants' specification. As discussed therein, Fisher is undesirable as the liner 34, being part of the garment, will move with the garment 10, rather than staying with the genitals.

Claim 1 is directed to an incontinence pad and recites "at least one fixing tongue extending in the longitudinal direction of the incontinence pad from only the front end portion." In contrast to Fisher, the claimed incontinence pad is fastened to the pair of underpants only by virtue of said fastening system extending from the front end portion. As Fisher includes both fasteners 31/37 for fastening the front portion of the liner by way of opening 49 and adhesive strips 52 on the bottom surface of the liner rearward thereof, Claim 1 is therefore not obvious in view of

Fisher. Nor could Fisher be modified by removing adhesive 52 because then liner 34 could not be held in a position as it is intended. For at least these reasons, Applicants respectfully submit that claims 1-6, 9-12, 14 and 18 are not rendered obvious under 35 U.S.C. § 103(a).

### CONCLUSION

In view of the above amendments and remarks, Applicants respectfully submit that the claims of the present application are now in condition for allowance, and an early indication of the same is earnestly solicited.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference would be helpful in resolving any remaining issues pertaining to this application; the Examiner is kindly invited to call the undersigned counsel for Applicant regarding the same.

Respectfully submitted,

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